

FORM PTO-1390
(REV 10-96)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

0190 US/P

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

08/930735

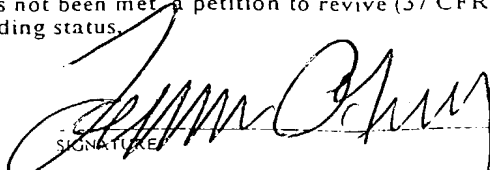
INTERNATIONAL APPLICATION NO.
PCT/DE97/00187INTERNATIONAL FILING DATE
26 January 1997PRIORITY DATE CLAIMED
27 January 1996TITLE OF INVENTION
DEVICE FOR PREVENTING OR REDUCING TIPPING OF THE HEADAPPLICANT(S) FOR DO/EO/US
SEMSCH, Angelika et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/DE97/00187		ATTORNEY'S DOCKET NUMBER -0190 US/P	
17. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Search Report has been prepared by the EPO or JPO \$910.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$700.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$770.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1040.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$96.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	9 - 20 =		X \$22.00	\$	
Independent claims	1 - 3 =		X \$80.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$1040.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$ 520.00	
SUBTOTAL =				\$520.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 520.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 520.00	
				Amount to be: refunded	\$
				charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>520.00</u> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>12-1099</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Lerner and Greenberg, P.A. P.O. Box 2480 Hollywood, Florida 33022-2480					
				 SIGNATURE	
				Laurence A. Greenberg NAME	
				<u>29,303</u> REGISTRATION NUMBER	



P/US

08930735 .095610 #3
Rec'd PCT/PTO 03 NOV 1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : ANGELIKA SEMSCH ET AL.
Serial No.: 08/930,735
Filed : September 29, 1997
Title : DEVICE FOR PREVENTING OR REDUCING TIPPING OF
THE HEAD

P R E L I M I N A R Y A M E N D M E N T

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

S i r :

Preliminary to examination kindly amend the above-identified application as follows:

In the Claims:

Claim 5 (amended). Device according to [one of the preceding claims] claim 1, characterized in that the head-support element is formed by cushion-like elements [(1a,1b; 11a, 11b)] which are of elongate shape.

Claim 6 (amended). Device according to [one of the preceding claims] claim 1, characterized in that the cushion-like element or elements [(1a, 1b; 11b)] forming the head-support element have connecting devices [(4a, 4b; 14a,14b)] which permit a releasable connection of the cushion-like elements to one another and/or a releasable connection to the connecting section [(3a, 3b; 13a, 13b)] and/or to the weight element [(2)].



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Claim 7 (amended). Device according to [one of the preceding claims] claim 1, characterized in that the connecting section [(3a, 3b; 13a, 13b)] is formed by two flexible, support-like elements.

Claim 8 (amended). Device according to [one of the preceding claims] claim 1, characterized in that the connecting section [(3a, 3b; 13a, 13b)] has connecting devices [(15a, 15b)], which permit a releasable connection of parts of connecting sections to one another and/or a releasable connection to the head-support element [(1a, 1b; 11a, 11b)] and/or to the weight element [(2)].

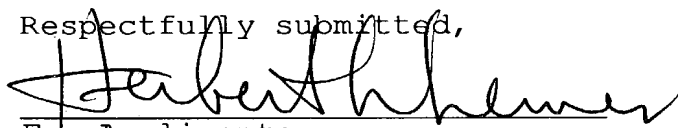
Claim 9 (amended). Device according to [one of the preceding claims] claim 1, characterized in that the effective dimensions of the connecting section [(3a, 3b; 13a, 13b)] can be varied by means of an adjustment mechanism or variable connection means.

Remarks:

The preliminary amendment is being filed in an effort to present an application in proper U.S. format for examination.

An early action on the merits of the claims is requested.

Respectfully submitted,


For Applicants.

/tg

October 29, 1997

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101

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Device for avoiding or limiting
the tilting of the head

20

Description

The present invention relates to a device in accordance with the preamble of Patent Claim 1, i.e. a device for avoiding or limiting the tilting of the head forwards and/or to the side of a passenger sitting in a seat which has a backrest, having at least one one-piece or multi-piece head-support element which comprises one or more cushion-like elements.

It is known that the head of a passenger tilts or falls slightly forwards and/or to the side, particularly when the passenger is sleeping.

This is an uncomfortable position which can impair sleep and can cause painful contractions of the muscles of the neck.

Moreover, in such situations the mouth of the sleeping passenger often opens, so that saliva can run out,

- 3 -

The present invention is therefore based on the object of providing a device which is comfortable to put on and wear reliably and safely for avoiding or limiting the tilting of the head forwards and/or to the side of a passenger sitting in a seat which has a backrest.

This object is achieved according to the invention by means of the features claimed in the characterizing part of Patent Claim 1.

10

Accordingly, it is provided that the one or more cushion-like elements are designed and dimensioned such that, in the position worn as intended, they are able to completely surround the side and front sections of the neck and/or of the head of the passenger, resting on the shoulders and/or the chest region of the passenger.

Due to the fact that the head-support element is designed to completely surround the side and front sections of the neck and/or of the head of the passenger in the position worn as intended, it is possible reliably to prevent the head from tipping to the side and from tipping forwards.

25

Due to the fact that the head-support element is designed, in the position worn as intended, to rest on the shoulders and/or the chest region of the passenger, there is no need for a particularly stable fastening of the head-support element to the seat or to the passenger; rather, the device according to the invention can be put on, for example, simply by hanging it around the passenger and throwing a part of the device which is connected to the head-support element and is referred to as the connecting section over the backrest and/or the headrest of the seat.

35

Particularly when the said connecting section is guided over and beyond the backrest of the seat, it proves advantageous if, as claimed in Patent Claim 3, the connecting section is provided with a weight element
 5 which, in the position resting or hanging behind the passenger, counteracts any movement of the head-support element out of its intended use position.

If the connecting section is suspended around or over a
 10 headrest provided on the seat, it is generally sufficient if the connecting section is suitable, for example, to be placed on the headrest or is designed as a loop or the like which can be laid around the headrest.

15 Despite the extreme simplicity of putting on the device according to the invention, the latter remains in its intended position (against the neck and/or against the head of the passenger) for a long period of time, where
 20 it reliably fulfils its role (holding the head).

Consequently, a device which is comfortable to put on and wear and reliably and safely avoids or limits the tilting of the head forwards and/or to the side of a
 25 passenger in a seat which has a backrest has been provided.

Advantageous refinements of the invention form the subject-matter of the subclaims.

30 The invention is described in more detail below on the basis of exemplary embodiments and with reference to the drawing, in which

35 Figure 1 diagrammatically shows a top view of a first exemplary embodiment of the device according to the invention for avoiding or limiting the tilting of the head forwards and/or to the

- 11 -

seat on which the child or baby seat is mounted. However, this does not alter the fact that here too the head-support element, the weight element and/or the section connecting the head-support element to the weight element are designed in such a manner that the
5 weight element can be guided over at least one shoulder of the passenger and/or the backrest and can be arranged behind the passenger.

10 Irrespective of the design of the backrest and the correspondingly adapted use of the head-tilting protection, the head-tilting protection according to the invention in accordance with the above-described first exemplary embodiment proves extremely reliable and
15 safe, despite its multifarious and simple applications.

The second exemplary embodiment of the head-tilting protection according to the invention described below with reference to Figure 2 is designed to be hung
20 around a headrest of a vehicle seat or the like.

As can be seen from Figure 2, the head-tilting protection in accordance with the second exemplary embodiment comprises two head-support elements in the form of
25 cylindrical cushions 11a, 11b and a connecting section, which extends from the latter, in the form of two connecting elements 13a, 13b.

The design, function and mode of action of the cushions
30 11a and 11b and hook-and-loop elements 14a, 14b provided on the latter correspond to the cushions 1a, 1b provided in the first exemplary embodiment and the hook-and-loop elements 4a, 4b provided thereon; for this reason, the statements made with regard to the
35 cushions 1a, 1b and the hook-and-loop elements 4a, 4b fully apply also to the cushions 11a, 11b and the hook-and-loop elements 14a, 14b.

[illegible]

A description is given of a device for avoiding or limiting the tilting of the head forwards and/or to the side of a passenger sitting in a seat which has a backrest, having at least one one-piece or multi-piece head-support element which comprises one or more cushion-like elements (1a, 1b; 11a, 11b). The head-tilting protection described is distinguished by the fact that the one or more cushion-like elements are designed and dimensioned such that, in the position worn as intended, they are able to completely surround the side and front sections of the neck and/or of the head of the passenger, resting on the shoulders and/or the chest region of the passenger.

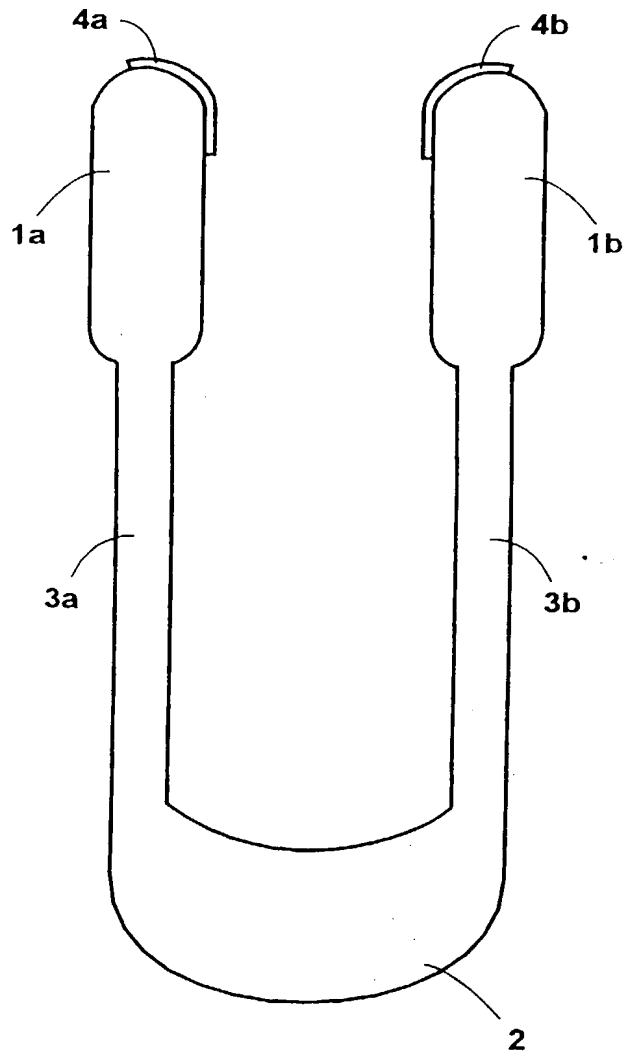


FIG. 1

2/2

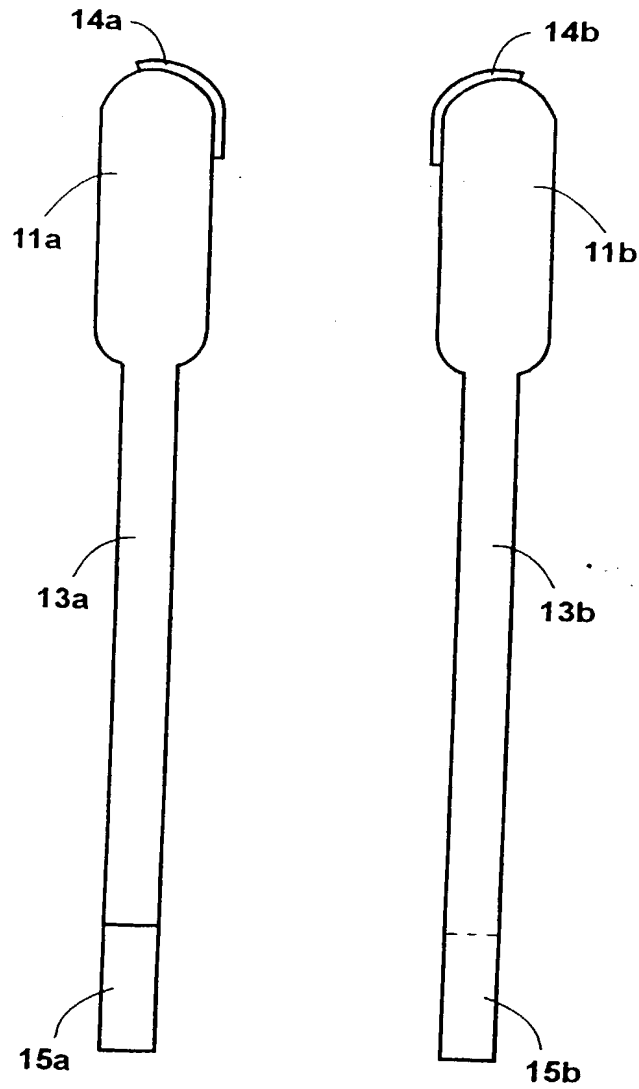


FIG. 2

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Declaration OR
Submitted
with Initial Filing

☐ Declaration
Submitted after
Initial Filing

Attorney Docket Number	0190 US/P
First Named Inventor	SEMSCH, Angelika
COMPLETE IF KNOWN	
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVICE FOR PREVENTING OR REDUCING TIPPING OF THE HEAD

RECEIVED

MAR - 2 1998

MATRIX CUSTOMER
SERVICE CENTER

the specification of which

(Title of the invention)

☒ is attached hereto
OR

☐ was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35 United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
19602939.2	Germany	01/27/96	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
<input type="text"/>	<input type="text"/>	

(Page 1 of 5)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231.

(January 1997)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Name	Registration Number	Name	Registration Number
LERNER, Herbert L.	20,435		
GREENBERG, Laurence A.	29,308		
STEMER, Werner H.	34,956		

☐ Additional registered practitioner(s) named on a supplemental sheet attached hereto.

Direct all correspondence to:

Name	Lerner and Greenberg, P.A.		
Address	P.O. Box 2480		
Address			
City	Hollywood	State	FL
Country	US	Telephone	(954) 925-1100
		Fax	(954) 925-1101

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name	ANGELIKA	Middle Initial		Family Name	SEMSCH	Suffix e.g. Jr.	
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Inventor's Signature	15.10.97 Angelika Semsch	Date	15.10.97
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Residence: City	AUGSBURG	State		Country	GERMANY	Citizenship	GERMAN
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Post Office Address	BIBERKOPFSTRASSE 29		
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Post Office Address			
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City	AUGSBURG	State		Zip	86163	Country	GERMANY
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☐ Additional inventors are being named on supplemental sheet(s) attached hereto

Please type a plus sign (+) inside this box →

PTO/SB/01 (8-96)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION						ADDITIONAL INVENTOR(S) Supplemental Sheet	
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name	ELISABETH		Middle Initial	Family Name	SCHNEIDER		Suffix e.g. Jr.
Inventor's Signature	<i>Elisabeth Schneider</i>				Date	14.10.97	
Residence: City	SENDEN		State	Country	GERMANY		Citizenship GERMAN
Post Office Address	LAERCHENSTRASSE 21c						
Post Office Address							
City	SENDEN		State	Zip	89250		Country GERMANY
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name			Middle Initial	Family Name			Suffix e.g. Jr.
Inventor's Signature					Date		
Residence: City			State	Country			Citizenship
Post Office Address							
Post Office Address							
City			State	Zip			Country
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name			Middle Initial	Family Name			Suffix e.g. Jr.
Inventor's Signature					Date		
Residence: City			State	Country			Citizenship
Post Office Address							
Post Office Address							
City			State	Zip			Country
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name			Middle Initial	Family Name			Suffix e.g. Jr.
Inventor's Signature					Date		
Residence: City			State	Country			Citizenship
Post Office Address							
Post Office Address							
City			State	Zip			Country
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name			Middle Initial	Family Name			Suffix e.g. Jr.
Inventor's Signature					Date		
Residence: City			State	Country			Citizenship
Post Office Address							
Post Office Address							
City			State	Zip			Country
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto							

